

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

GREGORIO TREVINO, Special Administrator
of the Estate of GREGORIO TREVINO, JR.,
deceased,

Plaintiff,

vs.

U-HAUL COMPANY OF ILLINOIS, INC.,
U-HAUL INTERNATIONAL, INC. and
ROGER D. GEARY,

Defendants.

NO.

2008L000841
CALENDAR/ROOM E
TIME 00:00
PI Motor Vehicle

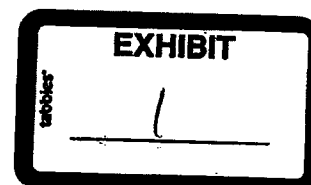
FILED
JAN 24 11:11:32
DOROTHY BROWN
CLERK OF CIRCUIT COURT
LAW DIVISION

COMPLAINT AT LAW

COUNT I

Plaintiff, GREGORIO TREVINO, Special Administrator of the Estate of GREGORIO TREVINO, JR., deceased, and ORALIA TREVINO, (hereinafter "PLAINTIFFS"), by and through their attorneys, SALVI SCHOSTOK & PRITCHARD P.C., and complaining of Defendants, U-HAUL COMPANY OF ILLINOIS, U-HAUL INTERNATIONAL, INC. (hereinafter "U-HAUL DEFENDANTS"), ROGER D. GEARY, and each of them, state:

1. On and before April 21, 2006, GREGORIO TREVINO, JR. was a citizen of the State of Texas.
2. On and before April 21, 2006, and at all times material, Defendant, U-HAUL OF ILLINOIS, was an Illinois Corporation with its principal place of business in Illinois.



3. On and before April 21, 2006, and at all times material, Defendant, U-HAUL INTERNATIONAL, INC., was a Nevada Corporation with its principal place of business in Arizona.

4. On and before April 21, 2006, and at all times material, Defendant, ROGER D. GEARY, was an individual residing in Tennessee.

5. JANET M. DEUTSCH, Special Administrator of the Estate of William Geary, deceased, has been appointed Special Administrator of the Estate of William Geary for purposes of naming a proper party defendant for this litigation. Attached hereto as Exhibit "B" is a copy of the order entered by the Circuit Court of Cook County appointing Janet Deutsch as Special Administrator of the Estate of William Geary, deceased.

6. On and before April 21, 2006, and at all times material, Defendant, U-HAUL OF ILLINOIS, was engaged in the business of renting out, maintaining, storing, distributing, and selling certain types of moving vehicles, including the box type moving vehicle involved in this accident.

7. On and before April 21, 2006, and at all times material, Defendant, U-HAUL OF ILLINOIS, conducted business in Cook County, Illinois, which included marketing, servicing, and renting out its products, including the box type moving van involved in this accident, in Cook County, Illinois.

8. On information and belief, U-HAUL INTERNATIONAL owned the 2006 General Motors C5C042 box type moving van (VIN 1GDG5C1E35F903934) (hereinafter "the moving van") and had responsibility for assuring the van was properly maintained and serviced.

9. Prior to April 21, 2006, Defendant, U-HAUL OF ILLINOIS, was required to maintain, service and rent out the moving van.

10. Prior to April 21, 2006, the Defendant, William J. Geary, deceased, resided in Chicago, Illinois.

11. On April 21, 2006, William J. Geary was driving the moving van northbound on Interstate Highway 65 in Kentucky. As Mr. Geary was proceeding on the roadway, he lost control of the moving fan and crossed the median into oncoming traffic.

12. On April 21, 2006, GREGORIO TREVINO, JR. was driving southbound on Interstate 65 in Kentucky in his tractor-trailer combination.

13. On April 21, 2006, without warning, the moving van driven by William Geary traveling northbound on Interstate 65 crossed the median and slid across the interstate in front of GREGORIO TREVINO, JR.'s vehicle and caused a collision between their two vehicles.

14. On April 21, 2006, GREGORIO TREVINO, JR. and William J. Geary died as a result of the subject collision and resulting fire on Interstate Highway 65 in Kentucky.

15. Prior to April 21, 2006, and at all times material, U-HAUL INTERNATIONAL INC. and U-HAUL COMPANY OF ILLINOIS were engaged in a joint enterprise, joint venture, or some mutually beneficial working arrangement for a common business purpose.

16. On April 21, 2006, at the time of the accident, U-HAUL INTERNATIONAL INC. and U-HAUL COMPANY OF ILLINOIS were jointly responsible for marketing, maintaining, servicing and renting out the moving van that was involved in the subject accident..

17. On and before April 21, 2006, and at all times material, Defendants, U-HAUL INTERNATIONAL INC., U-HAUL COMPANY OF ILLINOIS, and William J. Geary, and each of them, were negligent in one or more of the following aspects:

- (a) Failed to maintain the U-HAUL moving van in a good, working condition;
- (b) Failed to properly maintain the van's braking system and brakes;
- (c) Failed to enforce and/or follow internal guidelines for proper maintenance of the van and the van's braking system;
- (d) Failure to ensure that the van was in proper working condition prior to embarking on the trip that resulted in the incident;
- (e) Failure to maintain a proper lookout;
- (d) Operated the van at speeds that were too fast for the presenting conditions;
- (f) Failed to control the van after a mechanical failure;
- (e) Rented a vehicle to the public that was improperly maintained.

18. As a proximate result of one or more of the aforesaid negligent acts or omissions of the Defendants, GREGORIO TREVINO, JR. sustained injuries which resulted in his death.

19. At the time of his death, GREGORIO TREVINO, JR., deceased, left surviving him his father, GREGORIO TREVINO, and his mother, ORALIA TREVINO, who have been deprived of his love, affection and society.

20. GREGORIO TREVINO, Special Administrator of the Estate of GREGORIO TREVINO, JR., deceased, brings this action pursuant to 740 ILCS 180/1, 180/2, and 180/2.1, commonly referred to as the Wrongful Death Act (Attached hereto as Exhibit "A" is a copy of

an Order entered in the Circuit Court of Cook County appointing GREGORIO TREVINO as the Special Administrator of the Estate of GREGORIO TREVINO, JR., deceased).

WHEREFORE, GREGORIO TREVINO, Special Administrator of the Estate of GREGORIO TREVINO, JR., deceased, demands judgment against the Defendants, U-HAUL COMPANY OF ILLINOIS, U-HAUL INTERNATIONAL, INC., and ROGER D. GEARY, and each of them, in a sum of money in excess of \$50,000.00, together with the costs of this action.

COUNT II
(Negligence/Survival Action)

Plaintiff, GREGORIO TREVINO, Special Administrator of the Estate of GREGORIO TREVINO, JR., deceased, and ORALIA TREVINO, (hereinafter "TREVINO"), by and through their attorneys, SALVI, SCHOSTOK & PRITCHARD P.C., and complaining of Defendants, U-HAUL COMPANY OF ILLINOIS, U-HAUL INTERNATIONAL, INC. (hereinafter "U-HAUL DEFENDANTS"), ROGER D. GEARY, and each of them, state:

1-18. Plaintiff, GREGORIO TREVINO, Special Administrator of the Estate of GREGORIO TREVINO, JR., deceased, restates, realleges and incorporates by reference paragraphs 1 through 17, including all subparagraphs, of Count I, as and for paragraphs 1 through 17 of Count II.

19. As a proximate result of one or more negligent acts of the aforementioned Defendants, GREGORIO TREVINO, JR. sustained conscious pain and suffering and disability prior to his death, and had he survived, he would have been entitled to bring an action for such injuries.

20. Plaintiff, GREGORIO TREVINO, Special Administrator of the Estate of GREGORIO TREVINO, JR., deceased, brings this action pursuant to 755 ILCS 5/27-6, commonly referred to as the "Survival Act."

WHEREFORE, GREGORIO TREVINO, Special Administrator of the Estate of GREGORIO TREVINO, JR., deceased, demands judgment against the Defendants, U-HAUL COMPANY OF ILLINOIS, U-HAUL INTERNATIONAL, INC., and ROGER D. GEARY, and each of them, in a sum of money in excess of \$50,000.00, together with the costs of this action.

COUNT III
(Negligence/Family Expense Act)

Plaintiff, GREGORIO TREVINO, Special Administrator of the Estate of GREGORIO TREVINO, JR., deceased, and ORALIA TREVINO, (hereinafter "TREVINO"), by and through their attorneys, SALVI, SCHOSTOK & PRITCHARD P.C., and complaining of Defendants, U-HAUL COMPANY OF ILLINOIS, U-HAUL INTERNATIONAL, INC. (hereinafter "U-HAUL DEFENDANTS"), and ROGER D. GEARY, and each of them, state:

1-18. Plaintiff, GREGORIO TREVINO, Special Administrator of the Estate of GREGORIO TREVINO, JR., deceased, restates, realleges and incorporates by reference paragraphs 1 through 17, including all subparagraphs, of Count I, as and for paragraphs 1 through 17 of Count III.

19. That as a result of the death of GREGORIO TREVINO, JR., deceased, certain medical, funeral and burial expenses were incurred for which the Estate of GREGORIO TREVINO, JR., deceased, is liable.

20. Plaintiff, GREGORIO TREVINO, Special Administrator of the Estate of GREGORIO TREVINO, JR., deceased, brings this action pursuant to 750 ILCS 65/15, commonly referred to as the "Family Expense Act" (attached hereto as Exhibit "A" as evidence of his right to bring this action is a copy of the Order issued by the Circuit Court of Cook County).

WHEREFORE, GREGORIO TREVINO, Special Administrator of the Estate of GREGORIO TREVINO, JR., deceased, demands judgment against the Defendants, U-HAUL COMPANY OF ILLINOIS, U-HAUL INTERNATIONAL, INC., and ROGER D. GEARY, and each of them, in a sum of money in excess of \$50,000.00, together with the costs of this action.

PLAINTIFF DEMANDS TRIAL BY JURY

SALVI, SCHOSTOK & PRITCHARD P.C.

By: 

Donald R. McGarrah, Attorney for Plaintiff

DONALD R. MCGARRAH - ARDC #3123480
SALVI, SCHOSTOK & PRITCHARD P.C. - #34560
181 W. Madison Street, Suite 3800
Chicago, IL 60602
312/372-1227

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

GREGORIO TREVINO, Special Administrator)
of the Estate of GREGORIO TREVINO, JR.,)
deceased,)

Plaintiffs,)

vs.)

U-HAUL COMPANY OF ILLINOIS, INC.,)
U-HAUL INTERNATIONAL, INC. and)
ROGER D. GEARY,)

Defendants.)

NO.

ORDER

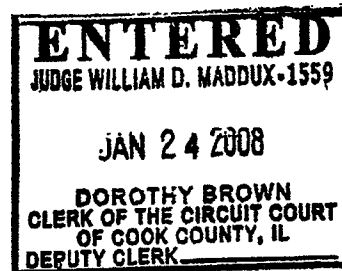
THIS MATTER COMING before this Court on a Petition to Appoint a Special Administrator of the Estate of GREGORIO TREVINO, JR., deceased, and it being represented that GREGORIO TREVINO is legally competent to act as Administrator;

IT IS HEREBY ORDERED that GREGORIO TREVINO is appointed Special Administrator of the Estate of GREGORIO TREVINO, JR., deceased, for the purpose of prosecuting a cause of action for all purposes relating to this lawsuit.

ENTER:

Dated at Chicago, Illinois this
_____ day of January, 2008.

DONALD R. MCGARRAH
SALVI, SCHOSTOK & PRITCHARD P.C. - #34560
181 W. Madison Street, Suite 3800
Chicago, IL 60602
312/372-1227



STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

GREGORIO TREVINO, Special Administrator
of the Estate of GREGORIO TREVINO, JR.,
deceased,

Plaintiffs,

vs.

U-HAUL COMPANY OF ILLINOIS, INC.,
U-HAUL INTERNATIONAL, INC. and
ROGER D. GEARY,

Defendants.

NO.

ORDER

THIS MATTER COMING before this Court on a Petition to Appoint a Special Administrator to Serve as Defendant, and it being represented that JANET M. DEUTSCH is legally competent to act as Special Administrator;

IT IS HEREBY ORDERED that JANET M. DEUTSCH is appointed Special Administrator to serve as Defendant for all purposes relating to this lawsuit.

ENTER:

Dated at Chicago, Illinois this
_____ day of January, 2008.

DONALD R. MCGARRAH
SALVI, SCHOSTOK & PRITCHARD P.C. - #34560
181 W. Madison Street, Suite 3800
Chicago, IL 60602
312/372-1227

